

April 4, 2020



Honest Hawaii Notaries Presents:

THE HONEST NOTARY
Youtube Channel

Video Notary Training
By Cheryl Kaster

WHY I AM SO PASSIONATE ABOUT NOTARY EDUCATION

Background

I became a Notary in April of 1997 as a requirement of my new employment as a legal secretary for a solo attorney in downtown Honolulu. Although I had worked in the legal field since the 1980's, I knew almost nothing about notarization.

After renewing my commission in 2001, I joined the National Notary Association and through their magazine, *The National Notary*, I learned I was “CLUELESS.”

I say I was “clueless” because, even though I had read the Notary Public Manual and passed the test, **I did not know:**

- **The purpose and importance of notarization,**
- **What Hawaii Law said about acceptable I.D. for notarization,**
- **The specific laws that govern Notarial Practice in the State of Hawaii,**
- **The duty I owed to ALL parties to the notarized transaction, not only to the signer of the documents,**
- **The fact that I could be held personally, financially responsible if I broke the law when notarizing and caused any or all parties to the transaction to suffer financial loss.**

Coming face-to-face with the fact that I was clueless about what I needed to know as a Notary Public, I had to make a decision to either EDUCATE myself to be the best notary I could be, or, RESIGN my commission. I chose to educate myself and embarked on a decades-long career of learning about what is identified by the National Notary Association as a **DECEPTIVELY COMPLEX PROCESS.**

Why I am so passionate about Notary Education.

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In 2002 I became a Certified Notary Signing Agent. At the end of my second 4-year commission period, in 2005, I turned in 14 journals (a PUBLIC RECORD) full of transactions performed as a Certified Notary Signing Agent.

Being a teacher at heart, if not by training, I find great joy and fulfillment in sharing with others what I have learned over the years not only from training but also the 1,000's completed notarizations.

NOTARY EDUCATION NOT REQUIRED NOR OFFERED TO HAWAII NOTARIES

The more experience I gained, the more obvious it became that I was not the only one who was CLUELESS after receiving a commission. The reason for this is complicated because it requires those who make the laws (Hawaii Legislators), and those who administer the laws (the Attorney General's Notary Public Office) to take steps **to educate themselves about this DECEPTIVELY COMPLEX PROCESS and stop** letting those who do not have a working knowledge of that process guide them.

No matter how many times they refer to it as "training," **HAWAII DOES NOT REQUIRE NOR PROVIDE TRAINING FOR EITHER PROSPECTIVE OR CURRENT HAWAII NOTARIES.** The Notary Public Office has been offering separate "informational" Q&A sessions for both prospective and current Notaries. **The 60-90 minute sessions that can be attended only once a years, is NOT EDUCATION.**

Further restricting access to "Information" sessions on Oahu, where the bulk of Hawaii Notaries reside and work, is the fact they are held only at lunch time, and at a single downtown location. The timing and restricted location makes it extremely difficult for the bulk of Hawaii Notaries who are employed to attend.

Further demonstrating the Notary Public Office's failure to understand the importance of training, a Notary Public may attend **ONLY ONE INFORMATION SESSION A YEAR** and must wait until the next year to learn another 90 minutes of information or ask questions about what they are required to know as a Notary Public. **This can hardly be considered TRAINING.**

HUGE CONSUMER PROTECTION RISK

From frequent interaction with Hawaii Notaries of varying experience levels, I know the huge divide that exists between what a Notary MUST know, and what they actually do know, even though they may have been actively providing notarial services for years.

Failure by a Notary Public to know and obey not only Hawaii law, but also specific principles and best practices that apply to notarization done with integrity, diligence, and skill (**66 C.J.S. Notaries 26 Duties**) creates a **HUGE CONSUMER PROTECTION RISK** which the Consumer Protection committees in the Hawaii Legislature refuse to consider.

There are so many principles of prudent and knowledgeable notarial practice that are NOT contained within the state laws. While statutes and/or rules only specify what is required or what is referred to as the “letter of the law,” these laws have been created over many, many legislative sessions and leave much to be desired in terms of clarity of purpose and function.

To further add to the dilemma Hawaii Notaries face, the Notary Public Office website fails to provide a complete list of the Hawaii Laws Notaries must abide by. The omissions include, but are not limited to:

- What is acceptable wording for various forms of notarial acknowledgments required when notarizing in Hawaii; and
- a listing of the different judicial jurisdictions which are also required to be part of any Notarial Certificate completed in Hawaii.

LAWS, RULES, AND ETHICAL PRACTICES AND PRINCIPLES

The basic principles MOST Notaries DO NOT KNOW include:

1. The duty a Notary owes to all parties affected by the transaction;
2. The Notary’s responsibility for obeying all laws that apply to notarization; and
3. The prudent and knowledgeable notarial practice that will protect the customer from financial damage and the Notary Public (and possibly the Notary’s employer) from exposure to civil and or criminal liability that can occur as the result of errors and omissions or a violation of Notary Law in the notarization of a document.

Notaries who do not make it their job to know the laws they must abide by daily put themselves, their employers, and all parties to the transactions they notarize at risk of financial loss.

HONEST HAWAII NOTARIES

Early in my Professional Notary career, I coined the tag line: ***Doing what is right, not just what is convenient...***,” because notarizing according to the law and best practices was the

opposite of what was often expected of me and what I have personally observed or has been reported to me by other Notaries.

Frequently I was asked to sidestep Hawaii law when attempting to positively identify a signer. One example was when a title company in downtown Honolulu was looking for an outside notary signing agent to assist with overflow signings from other branches.

The interview went fine until I mentioned that I required **positive identification** of the signer. At that point the interviewer said they would not “**INCONVENIENCE THEIR CUSTOMER**” by requiring positive identification of signers. I have yet to understand exactly:

- WHO they considered to be their “CUSTOMER”; and
- Why that customer would think positively identifying a signer would constitute an “INCONVENIENCE.”

NOTARY CUSTOMERS ARE NOT ALWAYS RIGHT

The duties of the Notary Public, as a Public Official, means that, unlike most “business service” philosophy, **THE NOTARY CUSTOMER IS NOT ALWAYS RIGHT.**

Notaries, especially those who are employed, may be asked by an employer or supervisor to “OVERLOOK” a Notary Law to accommodate a “special” customer for the sake of CONVENIENCE. However, it is not generally known that the:

- Commission and Notarial Supplies such as the following belong to the NOTARY, regardless of who paid for them:
 - The Journal
 - The Notarial Seal;
- The Notary Employer may also be found jointly liable if
 - The Employer requires the notary to break the law, or
 - The Employer does not take steps to ensure the Notary Public Employee is properly trained in the performance of their duties; and
- The Notary Public is a PUBLIC OFFICIAL and employer cannot prohibit their Notary-employee from performing notarization outside of their work schedule for their own private customers.

THE HONEST NOTARY Youtube Training will be offered to and relevant to both Hawaii Notaries and Notaries across the country. Okay, so, “WAIT A MINUTE,” you say, how can I, as a Hawaii Notary Public, provide training for Notaries in other states? The answer IS IN THE NEXT SECTION.

THE 20/80 DIVIDE

Based on my 23 years as a Notary Public offering notarization in a variety of situations (signing agent, prisons, hospitals, estate documents, etc.), I have come to the conclusion that only 20% of what Notaries must know, in order to provide notarial service done with integrity, diligence, and skill (**66 C.J.S. Notaries 26 Duties**), is available from Hawaii's actual notarial statutes and administrative rules.

An additional 80% must be learned from secondary sources, including case law from litigation where Notaries were sued, law journals, and other white papers by recognized authorities in the field. THE HONEST NOTARY will not cover specific Hawaii Laws and only those items such as ethical imperatives and other best practices, including practical aspects of performing the notarial process. .

The reality of this creates an almost impossible situation for individual notaries to undertake adequate training for themselves. This realization is what led me to start the Youtube Channel **THE HONEST NOTARY** and also to begin offering Notary Mentoring as **NOTARY 101**, which be an intense, mentoring of no more than three Notaries at a time, concerning all Hawaii Revised Statutes (not only HRS 456) and administrative rules of the Notary Public Office that inform notarial practice in the State of Hawaii.

THE HONEST NOTARY

THE HONEST NOTARY Youtube training is relevant to Notaries in **ANY STATE** in the country, **UNLESS it contains information that VIOLATES a Notary's state laws**. So, here again, there is no getting around the fact that the NOTARY PUBLIC, no matter which state they live in, or are authorized to notarize in, **MUST KNOW THE NOTARY LAWS OF THAT JURISDICTION**.

HAWAII NOTARY LAW will be offered as part of THE HONEST NOTARY curriculum as well, but in **SEPARATE Youtube videos** so those watching from other states will be able to skip over the Hawaii-specific videos.

NOTARY 101

NOTARY101 is an intensive personal mentoring program intended to provide up to three Notaries at a time with comprehensive knowledge and practical application of ALL Hawaii Laws that pertain specifically to Notaries and their notarial practice.

NOT LEGAL ADVICE

I am NOT an attorney and I do not give legal advice about notarization. Another unknown fact is that law students do not receive training in law school about Notary Law.

To my knowledge, there are no attorneys in the State of Hawaii who specialize in Notary Law. I do know that at least one company that offers Notarial Errors and Omissions Insurance claims that if an insured Notary needs representation they will provide an attorney who specializes in Notary Law to represent them.

HOWEVER, for insured Notaries residing in the State of Hawaii, this one insurance company will provide CRIMINAL ATTORNEYS to represent Notaries who are being sued, instead of attorneys who specialize in the more transactional-types of business legal services.

The fact that law students do not receive training about Notary Law may in part explain the lack of context for legislators (many of whom are attorneys). This could also help to explain why the Attorney General's Notary Public Office (filled with attorneys) does not truly understand what is involved in this **DECEPTIVELY COMPLEX PROCESS of Notarization**.

THANK YOU for reading this and please do not hesitate to share this with others who may have a vested interest in the integrity of notarized transactions.

Please visit honesthawaiinotaries.com and the [free resources page](#) for examples of resources containing information provided there.

You may call me at (808)780-0752 or email me at cheryl@honesthawaiinotaries.com.

Specifically for Notary questions you may call the Honest Hawaii Notary Hotline at: (808)213-0035 #1. If I'm unable to answer, you may leave a message and a contact number and I will return your call as soon as possible. Please go to the following link to sign up for email notifications about various Notary-related topics: [Honest Hawaii Notaries Email Group](#).

Thank you,

Cheryl